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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,001

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Joachim Leibbrand

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08/22/2008

PATENT CENTRAL LLC

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EXAMINER

WEINSTEIN, LEONARD J

ART UNIT

PAPER NUMBER

3746

MAIL DATE

DELIVERY MODE

08/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,001	Applicant(s) LEIBBRAND ET AL.	
	Examiner LEONARD J. WEINSTEIN	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-30, 32-35, 38-43 and 45 is/are allowed.
- 6) ☒ Claim(s) 1-27, 31, 36, 37 and 44 is/are rejected.
- 7) ☒ Claim(s) 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/24/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 46 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 46 refers to the subject matter in the specification and does not recite any positive limitations, and an examination of this claim is therefore precluded.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 10, 12, 21, 26, 27, 31, 36, 37, and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation of "preferably" is presented in each of these claims and does not provide a positive limitation. This term does not require the invention claimed to have a specified element and fails to present a tangible limitation therefore any element that is preceded by "preferably" is not required to be taught by the prior art.

4. Claim 16 recites the limitation "the control module" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Takayuki JP 11245710. Takayuki teaches all the limitations as claimed for a mobile concrete pump (I) including: **[claim 1]** a building frame (20) seated on a structure (13) of a truck chassis (fig. 1) and comprising two longitudinal side members (20a) mutually spaced apart by a free space, space between elements 20a as shown in figure 2, and resting on said structure (13), for receiving a supporting device (22), a core pump (I) with material supply container (9) and functional units which form a distribution mast (16), as well as a drive assembly (fig. 1) for actuating the functional units, which are arranged together with the core pump (I) in the free space (fig. 2) between the two longitudinal side members (20a), wherein the building frame (20) comprises a floating bearing (28) linking said side members (20a) across the free space (fig. 2), as well as a fixed bearing (21) arranged at the rear end of the building frame (20) for releasably supporting the core pump (I), which is pre-assembled in modular manner, and the material supply container (9) rigidly connected with the core pump (I); **[claim 2]** a prefabricated core pump (I) can be introduced from the back end of the building frame (20) through the free space (fig. 2) and is connectable with the bearings (21, 28); **[claim 3]** a building frame (20) includes slide rails leading to the bearings (21, 28) for

Art Unit: 3746

facilitating the installation and removal of the core pump (I); **[claim 4]** a floating bearing (28) is a cross beam, via 29, bridging over the free space (fig. 2), upon which the core pump (I) rests; **[claim 5]** a core pump (I) is supported, in the area of the floating bearing (28), on the sides against the longitudinal side members (20a); **[claim 6]** a core pump (I) is secured against lifting off (via 27) the floating bearing (28); **[claim 7]** a mobile concrete pump wherein for securing against lifting off, the core pump (I) is connectable with the floating bearing (28) by a capture or lock mechanism connection 27; **[claim 8]** a core pump (I) is a hydraulically driven piston pump, resting with its water box (1) upon the floating bearing (28); **[claim 9]** a floating bearing (28) is positionable upon the longitudinal side members (20a) in various locations spaced apart from each other in the longitudinal direction; **[claim 10]** a cross beam 29 forming the floating bearing (28) is rigidly connected to the longitudinal side members (20a); **[claim 11]** a material supply container (9) includes at least one extension arm (30) releasably and rigidly connectable with the fixed bearing (21) of the building frame (20); **[claim 12]** a fixed bearing (21) capable of including a rubber elastic cushioning or shock absorbing element; **[claim 13]** and a building frame (20) includes mounting means (fig. 3) for releasably receiving carrier frames (22) of various sizes, the carrier frames bridging over the free space (fig. 2), and modularly equip able with various drive subassemblies; **[claim 15]** a hydraulic and/or electric control and circuit elements for the drive subassemblies and for the functional units connected thereto are assembled into a control module 31 provided at the rearward area of the building frame (20).

Takayuki JP 11245710 further teaches **[claim 14]** a building frame (20) adapted to be seated on a structure (13) of a truck chassis and comprising two longitudinal side members (20a) mutually spaced apart by a free space (fig. 2) and resting on said chassis structure, for receiving a supporting device (22), a core pump (I) with material supply container (9) and functional units which form a distribution mast (16), as well as a driving assembly (shown in figure 1) for actuating the functional units, which are arranged with the core pump (I) in the free space zone (fig. 2) located between the two longitudinal side members (20a), wherein the building frame (20) comprises mounting means (26) designed to releasably support carrier frames (22) of different sizes which carrier frames bridge over said side members across the free space (fig. 2) and which carrier frames may be equipped in modular manner with various drive subassemblies; **[claim 16]** a the control module (31) includes assembled hydraulic valves and/or a hydraulic reservoir (19) assembled into a hydraulic controlled block as necessary for control.

Allowable Subject Matter

7. Claims 17-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 21, 26, and 27 contain allowable subject matter however the applicant must overcome the rejection under 112 second paragraph set forth in this action in addition to putting the claims in independent form and including all of the limitations of the base claim and any intervening claims.
8. Claims 28-30, 32-35, and 38-45 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD J. WEINSTEIN whose telephone number is (571)272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746

/Leonard J Weinstein/
Examiner, Art Unit 3746